

Step 8: Licensing and Registering Your Business

South Dakota state government recognizes that registration, licensing, and reporting requirements can place a burden on a business owner who has limited time and resources to spend away from his or her new business. Therefore, we have compiled a listing of various licensing and reporting areas that may assist you in this process.

Failure to license a business according to requirements can result in penalties being imposed by a particular department. The penalty will vary according to department regulations.

Included in this section is a listing of the licenses for the following agencies:

- South Dakota Animal Industry Board
- Department of Agriculture
- Department of Environment and Natural Resources
- Department of Game, Fish and Parks
- Department of Health
- Department of Labor & Regulation
- Department of Public Safety
- Department of Revenue
- Department of Social Services
- Department of Transportation

In addition to basic licensing guidelines, various departments have additional requirements that new businesses need to follow. Local cities and agencies also may have certain licensing requirements that you may need to inquire about.

Questions on licensing and other requirements should be directed to the responsible department or agency.

South Dakota Animal Industry Board

411 S. Fort Street

Pierre, SD 57501

Phone: (605) 773-3321

Web: <http://aib.sd.gov/>

Auction Market License

Owners of livestock auctions need to be licensed prior to selling any livestock.

Duration: 1 year

Cost: \$100

Pet Food Processing License

Any person who operates a business for the purpose of processing pet food must be licensed.

Duration: 1 year

Cost: \$25

Livestock Dealers License

Any person who engages in the buying and selling of animals must be licensed.

Duration: 1 year

Cost: \$50

Rendering Plant License

Any person who operates a business for the purpose of disposing of dead animals, hides, etc. must be licensed.

Duration: 1 year

Cost: \$25

Meat Plant

Any meat plant needs to have the facilities and equipment inspected prior to operating and needs to be licensed with the South Dakota Animal Industry Board.

Duration: 1 year

Cost: Slaughter \$100

Processing \$100

Custom \$50

Retail \$20

Contract Hauler Permit

Any person who maintains a contract with a licensed rendering establishment from South Dakota or from another state for the transport of carcasses to such rendering establishment or for the transport of carcasses to or from a collection station.

Duration: 1 year

Cost: None

South Dakota Department of Agriculture Division of Agricultural Services

523 E. Capitol, Foss Building – Third Floor

Pierre, SD 57501

Phone: (605) 773-3724

Web: <http://sdda.sd.gov/ag-services/>

Resident Nurseryman/Nursery Stock Dealer/Other

Beginning July 1, 2016 nursery stock dealers and resident nurserymen selling nursery stock will be required to purchase a license annually and pay a fee if selected for inspection. Annual plant growers and others may also purchase a certificate of inspection if needed for interstate commerce.

Greenhouses, tree nurseries, and nursery stock retail outlets are inspected to ensure that consumers receive healthy, viable stock. In addition, nursery stock that will be shipped out of state is inspected and certified as meeting standards of plant health for interstate commerce.

Duration: 1 year

Cost: Resident Nurseryman (Grows all or a portion of the nursery stock he sells):
\$42.50 (Sales under \$5,000) or \$200 (Sales over \$5,000)

Nursery Stock Dealer: \$70 (Sales under \$5,000); \$115 (Sales \$5,000-\$20,000); or \$200 (Sales over \$20,000)

Note: A nursery stock dealer who is not a nurseryman is someone who 1) buys nursery stock for the purpose of reselling or reshipping; 2) makes landscape plans using nursery stock and negotiates the purchase of nursery stock for clients; or 3) contracts to furnish and plant nursery stock.

Growers & Dealers of Decorative Plants, Annual Plants, Sod or Related Plant Products:
\$250 plus \$5 per acre and \$5 or 10,000 sq.ft. of growing greenhouse.

Nursery Inspection Fee: \$215

Export Inspection Permit

Phytosanitary certificates are issued by the Department of Agriculture on plants or plant products for shipment to other states and countries in compliance with the plant inspection and plant quarantine regulations of the state or country of destination.

The fees for inspection, obtaining samples, or issuing certificates are as follows:

- On-site inspection--\$200
- Field Inspection---\$250 for the first acre and \$2 for each additional acre

- State Certificate--\$50
- Federal Certificate--\$125
- Reissue State or Federal Certificate--\$25

Commercial Feed

Any company who manufactures feed in South Dakota or whose name appears on the label of a feed distributed in South Dakota must be licensed. Commercial feeds include livestock and pet feeds.

Duration: 2 years **Cost:** \$50

Fertilizer Distribution License

Any person(s) or business who manufactures or mixes fertilizer in South Dakota or whose name appears on the label of a fertilizer must be licensed.

Duration: 2 years **Cost:** \$25

Soil Amendment Products

All soil amendment products must be registered.

Duration: 2 years **Cost:** \$25 per product

Seed Permit

Before selling, distributing, advertising, soliciting orders for, offering for sale, exposing for sale, or transporting seed, a person must obtain a seed permit from the Department of Agriculture. A permit is not required for those who sell or advertise seed they have produced, provided that the seed is stored or delivered only to a purchaser on or from the farm where it was grown, or the production and sale of seed is not a primary source of income to the seller. Each permit applicant must agree to provide the Secretary of Agriculture with a legible copy of any records, and access during customary business hours to the premises where the seed is sold, handled or stored.

Duration: 2 years

Cost: \$500/Seedsman (Any person who purchases, conditions, labels, or sells seed as a major part of his or her business.)

\$75/Seed Producer (Any person who labels and sells seed only of his own production.)

\$75/Seed Dealer (Any person who exposes seed for sale, maintains an unsold inventory, and sells seed, or takes and fills orders for seed for a Seedsman or Seed Producer, but does not condition or label seed.)

Beekeepers

The goals of the apiary program are to protect South Dakota’s apiary (beekeeping) industry from the spread of apiary diseases; to coordinate the interstate movement of bees; advise beekeepers on the identification and treatment of honeybee pests and diseases; and to promote the value of beekeeping to the residents of South Dakota and the value of the premium honey produced in the state. Beekeepers must register with the department the location of each apiary and how many colonies are on these yards.

Duration: 1 year **Cost:** \$12 per location

Pesticide Products

State law requires that all pesticide products sold in South Dakota be registered with the South Dakota Department of Agriculture. Product labels are reviewed for compliance with state and federal labeling requirements.

Duration: 2 years **Cost:** \$240 per product

Pesticide/Fertilizer Bulk Storage Facilities

Each storage facility must be constructed as approved and operated in accordance with their permit.

Duration: Permanent **Cost:** None

Pesticide Applicator License

Any person(s) that sprays lawns, crops, etc. for hire must have this license, with some exemptions for government employees.

Duration: 2 years **Cost:** \$25

Restricted Use Pesticide Dealer License

Any person(s) or business that sells products classified as “restricted use” under federal or state law must be licensed.

Duration: 2 years **Cost:** \$50

Dairy Producers Permits

Anyone wishing to produce milk for sale to a dairy plant for bottling or further processing in South Dakota must first have their facility approved by the Department of Agriculture and receive a permit to operate from the department.

Duration: Permanent

Assessment Fee: Each producer is required to pay a raw milk assessment fee on each hundredweight of milk produced. This fee is collected by the dairy plant purchasing the milk from the producer and forwarded on to the department. The assessment fee is currently \$.07 per hundredweight.

Permit for Production of Raw Milk for Human Consumption

Anyone wishing to produce and sell raw milk for human consumption in South Dakota must first have their facility approved by the Department of Agriculture and receive a permit to operate from the department.

Duration: Permanent **Cost:** None

License for the Sale of Raw Milk for Human Consumption

Any producer of milk who is selling raw milk for human consumption directly to the consumer must obtain a license.

Duration: 1 year **Cost:** \$50

Note: Producers are also required to pay for a monthly sample to be tested by the Department or a laboratory accredited by the department.

Dairy Plant License

Any dairy plant engaged in the buying or selling of milk or milk products in the state must be licensed. Also included in this group are receiving stations, transfer stations, and plants fabricating single-service articles.

Duration: 1 year

Cost: In state milk processing plants (includes frozen dairy plant)

- a) Less than 100,000lbs/day - \$250
- b) 100,000 to 500,000lbs/day - \$500
- c) Over 500,000lbs/day - \$1,000
- d) Single-service Fabricating Plant - \$250
- e) Receiving Station - \$250
- f) Out of state milk processing plants - \$250
- e) Transfer Station - \$100

Milk or Milk Product Distributor

Any person(s) or business distributing milk or milk products in the state must be licensed.

Duration: 1 year **Cost:** \$250

Dairy Industry Fieldman License

Any person(s) or business that buys milk for packaging or processing must have a licensed Dairy Industry Fieldman license.

Duration: 1 year **Cost:** \$50

Milk Sampler/Grader License

Any person who is a milk bulk hauler must be licensed as an Official Sampler.

Duration: 1 year **Cost:** \$50

Tester/Grader License

All dairy processing plants must have licensed lab technicians to test the milk and approve the milk before payments can be made to the suppliers of the milk.

Duration: 1 year **Cost:** \$50

Egg Producers and Dealers

A license is required for anyone in the business of buying, selling, processing, candling, grading, packing, or distributing eggs in South Dakota. Producers selling and delivering their own productions directly to consumers are exempt from licensing requirements.

Any person(s) or businesses that buy eggs from producers for resale, or producers of eggs who sell eggs from their flock only need a Class A License.

Duration: 1 Year **Cost:** \$10

Any person(s) who buys eggs from a Class A Dealer must have a Class B license. Class B Dealers are those people who buy eggs from other wholesalers and producers and in turn sell the eggs to retailers or institutional consumers in lots greater than 90 dozen.

Duration: 1 year **Cost:** \$100

Candler/Grader License

Anyone who sells eggs or buys eggs for institutional use or resale must be licensed as a Candler/Grader and pass a test administered by the Department of Agriculture.

Duration: 1 year **Cost:** \$10

South Dakota Department of Environment and Natural Resources

Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501

Phone: (605) 773-3151

Web: <http://denr.sd.gov/>

Air Pollution Control Permit

Any facility that emits an air contaminant must obtain an air pollution control permit. The department must receive the application for a new facility 180 days before construction begins.

Duration: 5 years

Cost: An application fee of \$125 is required for a construction permit for a major source, an initial Title V air quality operating permit, a permit renewal for a Title V air quality operating permit, and a permit modification for a Title V air quality operating permit, except ethanol plants. Ethanol plants are required to pay a one-time application fee of \$1,000 for a new ethanol plant. In addition, there is an annual dollar per ton fee and administrative fee. The dollar per ton fee is \$7.50 per ton of actual air emissions, except ethanol plants. Ethanol plants pay a dollar per ton fee of \$40 per ton of actual air emissions. The annual administrative fee, except ethanol plants, is \$125 for actual air emissions less than 50 tons per year; \$600 for actual air emissions of 50 tons per year or greater but less than 100 tons per year; and \$1,250 for actual air emissions of 100 tons per year or greater. Ethanol plants pay a flat administrative fee of \$1000.

Asbestos Licenses

Any person wishing to do asbestos related work in South Dakota needs to be certified by the state. Individuals can be certified as inspectors, management planners, abatement project designers, contractor/supervisors and workers. One person can be certified in more than one discipline.

Duration: 1 year initial **Cost:** \$100

1 year renewal **Cost:** \$50

Initial certification is valid for one year from the date of the training examination.

Renewal fee requires the individual to take a refresher course within 90 days prior to or 90 days after the certificate's expiration date and apply for recertification within this 180-day time frame.

Building owners and/or contractors planning to demolish, or planning to remove friable asbestos from, public and commercial buildings are required to notify the state in writing 10 business days prior to the start of the project.

Solid Waste Disposal Permit

Operators of solid waste treatment, temporary storage, land application and disposal sites and facilities must obtain a permit prior to construction or operation of the facility or site.

Duration: 2 year initial
5 year renewal

Cost: \$250 to \$5,000

Fee schedule and type of facility:

Type I facility – 150,000 tons or more of solid waste per year = \$5,000

Type II facility – between 5,000 tons and 149,999 tons of solid waste per year = \$500

Type III facility – between 500 tons and 4,999 tons of solid waste per year = \$250

Type IV facility – less than 500 tons of solid waste per year = no fee required

Hazardous Waste Permit

Anyone who treats, stores or disposes of hazardous waste must obtain a permit.

Notice must be given to the department by anyone who generates, transports, stores, treats or disposes of a hazardous waste. Although fees are required of companies applying for a hazardous waste permit, hazardous waste notifications do not require a fee. Applications for hazardous waste permits must be submitted 180 days prior to construction.

Duration: Initial permit valid for two years

Cost: \$50,000 to \$175,000 (application fees apply only to hazardous waste disposal facilities)

Permit renewal: Valid for five years

Cost: \$25,000

Annual operating fee: \$25,000/yr - facilities disposing of >500 tons/year

Disposal fee: \$50.00/ton or part thereof – accrued at the time waste is disposed of at the facility and payable the following month

Sand, Gravel or Rock License

A license is required for any person(s) or business that mines for:

- Sand, gravel or rock to be crushed and used in construction.
- Pegmatite minerals.
- Iron ore, limestone, sand, gypsum, shale, pozzolan or other materials used in the process of making cement or lime.
- Lake dredging spoils for sale or processing.

A reclamation bond of \$500 per acre or \$20,000 for statewide mining is required.

Duration: 1 year

Cost: \$100 for each privately operated mine site authorized under a mine license.

Permit to Drill for Oil or Gas

Any operation with the intent to drill for oil or gas must obtain a permit prior to drilling. On July 1, 2013 new plugging and performance bond requirements became effective. The bond amounts for wells at or deeper than 5,500 feet are \$50,000 per well or \$100,000 blanket. The bond amounts for wells less than 5,500 feet in depth are \$10,000 per well or \$30,000 blanket. Operators can continue to operate under existing bonds until a new well is drilled or an existing well is transferred.

Duration: 1 year

Cost: \$100

Exploration Notice of Intent

Any person desiring to conduct mineral exploration in the state must file an exploration notice of intent with the department. A fee, reclamation plan, and maps are required. A reclamation bond based on the cost to plug all of the proposed test holes and reclamation of the affected land as determined by DENR is required. In lieu of submitting a bond for each exploration operation, a \$20,000 statewide reclamation surety can be submitted.

Duration: Life of exploration project

Cost: Application fee \$250

Uranium Exploration Permit

Any person desiring to conduct exploration for uranium in the state must first submit a permit application to the department and must be granted a permit by the Board of Minerals and Environment. A fee, map, plan of operations, reclamation plan, and public hearing are required. A reclamation bond based on the cost to plug all of the proposed test holes and reclamation of the affected land as determined by DENR is required.

Duration: 3 years

Cost: \$500

Large Scale Mining Permit

A large scale mine permit is required for any mining operation that:

- Affects more than ten acres or extracts more than 25,000 tons of ore or overburden per year;
- Employs in situ mining; or
- Uses cyanide, chemical or biological leaching processes.

A reclamation bond based on the actual cost of reclamation determined by DENR is required. Operations that use chemical or biological leaching may be required to post an additional bond to respond to spills.

Duration: Life of mine

Cost: Application fee – Precious metal, coal, or uranium: \$50,000

Other large scale: \$1,000

Annual renewal fee – Precious metal, coal, or uranium: \$50,000

Other large scale: \$100

Small Scale Mining Permit

Any mining operation that affects less than ten acres and extracts less than 25,000 tons of ore or overburden per year must obtain a permit. A reclamation bond of up to \$2,500 is required.

Duration: Life of mine

Cost: Application fee \$100

Annual renewal \$50

New Water System Approval

All new community and non-transient non-community water systems constructed after October 1, 1999, are required to obtain a Certificate of Approval from this department before beginning operation. This includes systems that do not meet the definition of community or non-transient non-community water system at start-up, but are designed to one day meet that definition.

Duration: Minimum 90 days prior to system start-up.

Cost: None

Permit to Appropriate Water

Except for certain domestic uses, any person(s) or business that wishes to appropriate water for any purpose must obtain a water right permit.

Duration: Permanent

Cost: Application – minimum \$100 to \$500 or more depending on amount of water appropriated.

License fee \$200.

Dry Draw Location Notice

A location notice is needed for any proposed dam/dugout impounding 25 acre feet of water or less at the primary spillway elevation with water stored for in-place uses only. Any dam on a navigable stream requires obtaining a permit to appropriate water.

Duration: Permanent

Cost: \$50

Flood Control Permit

Except for dry draws, a flood control permit is required for any operation diverting the flow or changing the stage of surface water for the purpose of flood control.

Duration: Permanent

Cost: \$500

Temporary Permit

The chief engineer may issue temporary permits for the use of public water for construction (e.g. highway construction/maintenance), testing, or drilling purposes. Issuance of a temporary permit is not a grant of a water right.

Duration: Up to end of calendar year

Cost: None

Well Driller License

Any well must be constructed by a licensed well driller. Any person(s) applying for a well driller's license must be experienced and knowledgeable in state well construction standards and complete a test in order to obtain a license.

Duration: 1 year

Cost: Annual \$200 - resident

Annual \$300 - nonresident

Continuing education requirements for renewal of license

Well Pump Installers License

The installation of well pumps or repair of wells for compensation must be by a licensed well pump installer or well driller. Individuals must have two years of experience and pay an annual fee.

Duration: 1 year

Cost: Annual \$200 - resident

Annual \$300 – nonresident

Continuing education requirements for renewal of license

General Water Pollution Control Permit for Concentrated Animal Feeding Operations

A producer needs a permit for a large concentrated animal feeding operation when DENR determines an operation is a medium or small concentrated animal feeding operation that needs permit coverage to ensure protection of the state's water resources, or when the operation, regardless of size, is required to obtain approval by a local government entity, such as a county commission. The general permit is in the process of being reissued. If the permit is

reissued and becomes effective during 2016, operations will need to apply for coverage under the reissued general permit.

Duration: The state general permit is effective for 5 years. If a producer obtains coverage under the permit after the permit has been effective for 2 years, the duration would be 3 years

Cost: The annual fee is \$250 for operations with 2,000 or more animal units, \$175 for operations with 1,000 to 1,999 animal units, and \$100 for operations with less than 1,000 animal units.

Wastewater Discharge Permit

The owner of any facility that discharges wastewater to waters of the state must apply for a permit at least 180 days prior to the anticipated discharge.

Duration: 5 years

Cost: Typically \$600 for many industrial facilities, but may be higher depending on the type of facility. Municipal facility fees vary depending on population.

Water and Wastewater Operator Certification

Many water and wastewater systems must be operated by personnel that are certified by the state as having the background and knowledge to run a certain type of water system. An operator can obtain this certification by passing a DENR proctored exam.

Duration: 1 year

Cost: Exam fee - \$10

Annual renewal of certificate - \$6

Pretreatment Industrial User Permit

Any industry that is discharging process wastewater to a municipal sanitary sewer system must contact the department to determine if a pretreatment industrial user permit is necessary. If the permit is needed, it will regulate the industrial discharge to ensure the industry does not overload the city's system. The application for a permit must be submitted at least 180 days prior to the anticipated discharge.

Duration: 5 years

Cost: \$600 per year

Construction Storm Water Discharge Permit

Construction sites that disturb one or more acres must receive coverage under the general permit for storm water discharges associated with construction activity. This general permit is required for any construction site that disturbs at least one acre across the state.

Duration: The state general permit is effective for 5 years. A construction site operator must maintain coverage under the general permit until the construction has been completed and the site has been stabilized.

Cost: None

Industrial Storm Water Discharge Permit

Storm water discharges associated with industrial activity, including but not limited to industrial plant yards, immediate access roads and railroad sidings, drainage ponds, material handling sites, refuse sites, process wastewater sites, equipment handling/maintenance areas, residual treatment areas and loading/unloading areas, will be required to obtain a permit.

Duration: The state general permit is effective for 5 years. An industrial site operator must maintain coverage as long as the industrial activities continue.

Cost: None

Notification for Underground and Aboveground Tanks

Plans and specifications for installation or upgrade of a regulated underground or aboveground storage tank system must be submitted for review and approval at least 30 days prior to starting the installation or modification. All regulated underground or aboveground storage tank systems must receive department approval prior to installation.

Duration: None

Cost: None

Radiation Source License

Any non-medical facility, be it public or private, using nuclear materials and/or equipment must be registered with the department.

Duration: None

Cost: None

Ground Water Discharge Plan

A ground water discharge plan may be required for any facility that discharges waste or pollutants that may move directly or indirectly, into ground water. If required, the facility must apply to the secretary for an approved groundwater discharge plan at least 180 days before any discharge.

Duration: Generally 4 years, maximum of 5 years

Cost: None

Permit to Inject Class II Fluids

A permit to inject is required for the injection of any substances associated with oil and gas production including maintaining reservoir pressure, enhanced recovery operations, disposal of exploration and production waste, or storage of liquid hydrocarbons.

Duration: Permits to inject may be issued for the operating life of the injection well.

Cost: None

Plans and Specifications Approval

Plans and specifications for water and wastewater treatment, collection, and distribution must be submitted for review and approval at least 30 days prior to construction. Other than a conventional septic tank/drain field on-site system for a home, plans and specifications for all on-site wastewater systems must receive department approval.

Duration: The approval to begin construction is valid for two years.

Cost: None

SARA Title III Tier II Emergency and Hazardous Chemical Inventory Form

Any business storing a hazardous material in an amount in excess of a federal threshold must submit this annual report. Most substances that require an OSHA safety data sheet have a designated threshold of 10,000 pounds. However, some Extremely Hazardous Substances have lower reporting thresholds. The report must be submitted to the state of South Dakota, local emergency planners, and the local fire department by March 1. The report covers storage for the preceding calendar year.

Duration: Annual Report

Cost: \$50 to \$300 depending on the number of substances reported.

SARA Title III Toxics Release Inventory Report

This annual report details disposal, releases, and transfers of specific substances for the preceding calendar year. A businesses must report by July 1, if they meet three federal reporting criteria: 1) Employ the equivalent of 10 full time employees; 2) business activity type falls under one of the covered North American Industrial Classification Codes (NAICS Codes); and 3) manufacture, process, or otherwise use an above threshold amount of a listed substance. The report must be submitted to the state of South Dakota and the federal Environmental Protection Agency.

Duration: Annual Report

Cost: \$250 to \$3,000 depending on the number of substances and quality of releases reported.

South Dakota Department of Game, Fish and Parks Licensing Office

20641 SD Hwy 1806

Ft. Pierre, SD 57532

Phone: (605) 223-7660

Web: <http://gfp.sd.gov/licenses/>

Taxidermist License

Anyone engaged in taxidermy must be licensed.

Duration: 1 year

Cost: \$15

Resident Fur Dealer License

Any business that purchases hides and furs must be licensed. (Deer hides are exempt)

Duration: 1 year

Cost: \$100

Non-Resident Fur Dealer License

Any person(s) or business that purchases, receives and resells legally taken and/or possessed raw furs must be licensed. (Deer hides are exempt)

Duration: 1 year

Cost: \$500

Resident Retail Bait Dealer License

Any person(s) over 16 years of age selling minnows, frogs, reptiles, crayfish, salamanders, or other live bait in South Dakota must be licensed. (Night crawlers and leeches are exempt.)

Duration: 1 year

Cost: \$30

Resident Wholesale Bait Dealer License

Any person(s) or business that raises traps, seines, buys, transports, or sells live bait to retailers, other wholesalers or exporters in South Dakota must be licensed.

Duration: 1 year

Cost: \$275

Resident Export Bait Dealer License

Any person(s) or business that buys, possesses, and transports live bait from South Dakota for resale must be licensed.

Duration: 1 year

Cost: \$400

Non-Resident Wholesale Bait Dealer License

Any person(s) or business that transports bait into South Dakota must be licensed.

Duration: 1 year

Cost: \$550

Falconry Permit

Any person(s) who possesses raptors (birds) for the purpose of practicing falconry must be licensed.

Duration: 4 years

Cost: \$50

Noncommercial Captive Game Bird License:

Authorizes a person to possess, produce, and release game birds from captivity. Game birds under this license may not be sold or offered for sale.

Duration: 1 year

Cost: Resident \$10 Nonresident \$20

Commercial Captive Game Bird License:

Authorizes a person to possess, produce, release from captivity, sell offer for sale, and ship game birds.

Duration: 1 year

Cost: Resident \$50 Nonresident \$100

Hoop Net or Set Line Permit

A special permit is required in addition to a fishing license that allows residents to use a set line or a hoop net in certain special management waters.

Duration: 1 year

Cost: Hoop Net \$10

Set Line \$5

Private Fish Hatchery License

Any private fish hatchery must be licensed. The charge is on amount no matter how many species.

Duration: 1 year

Cost: Pond Management \$300

Fee Fishing Hatchery \$150

Aquaculture Hatchery \$275

Scientific Collecting Permit

This permit allows universities or colleges to collect limited number of protected birds, fish or other animals for specific scientific study.

Duration: None

Cost: None

South Dakota Department of Health

Health Building

600 East Capitol

Pierre, SD 57501

Phone: (605) 773-3364

Web: <http://doh.sd.gov/>

Abortion Facility

Abortion facility must be licensed and comply with state requirements.

Duration: 1 year

Cost: \$500

Adult Foster Care Homes

Adult foster care homes must be licensed and comply with state requirements.

Duration: 1 year

Cost: None

Advanced Life Support EMS Provider Licensing

All licensing and regulation of advanced life support personnel is handled by the South Dakota Board of Medical and Osteopathic Examiners.

Ambulance Service

All ambulance services must obtain a license from the Department of Health to operate an air or ground ambulance service.

Duration: 2 years

Cost: \$12

Ambulatory Surgery Centers

Ambulatory surgery centers (ASC) must be licensed and comply with state requirements, and may be certified and comply with federal requirements.

Duration: 1 year

Cost: \$500

Assisted Living Centers

Assisted living centers must be licensed and comply with state requirements.

Duration: 1 year

Cost: \$150 to \$600 (depending on number of beds)

Bed & Breakfast

Any building or buildings run by an owner/operator living on the premises or contiguous property that is used to provide accommodations for a charge to the public shall register with the Department of Health. At most, the operation will have five rental units with up to an average of 10 guests per night and it will serve family style meals. Any change in ownership or location of the bed and breakfast establishment requires a new registration on a form provided by the department.

Duration: Permanent

Cost: \$38 – one time registration fee

Campground

Campgrounds offering two or more campsites to the public must obtain a license as a full-service, limited-service, primitive, or temporary campground. Plan review and approval required.

Duration: 1 year

Cost: \$100 to \$250 annual fee plus \$100 Initial plan review cost

Controlled Substances

Qualified pharmacies and practitioners (such as pharmacies, physicians, dentists, optometrists, podiatrists, nurse practitioners, physician's assistants, nurse midwives, and veterinarians) who have a professional need for access to controlled substances, must register with the department to obtain a state controlled substance certificate and submit a \$150 fee. Analytical labs, distributors, return distributors, manufacturers, and researchers (including drug detection dog trainers) must also register and submit a \$75 annual fee. This is in addition to the federal registration.

Duration: 1 to 3 years

Cost: \$75 to \$150

EMT Certification

Current state certification from the Department of Health is required for Emergency Medical Technicians (EMTs) to work on an ambulance service.

Duration: 2 years

Cost: None

End Stage Renal Dialysis Unit including transplantation services

End stage renal dialysis units (ESRDs) must be certified and comply with federal requirements to receive Medicare reimbursement.

Duration: None

Cost: None

Food Service

Any restaurant, coffee shop, bakery, deli, nightclub, catering kitchen, grocery store, food manufacturer or similar place in which food or drink is prepared for sale or service to the public must first obtain a retail food service, mobile food service or temporary food service license. Plan review and approval required.

Duration: 1 year

Cost: \$38 to \$325 annual fee plus \$100 Initial plan review cost

Home Health Agency

Home health agencies must be certified and comply with federal requirements to receive Medicare reimbursement.

Duration: Permanent

Cost: None

Hospice Agency

Hospice agencies must be certified and comply with federal requirements to receive Medicare reimbursement.

Duration: Permanent

Cost: None

Hospice (Inpatient)

Hospice facilities must be licensed and comply with state requirements and may be certified and comply with federal requirements. Hospice services must be certified and comply with federal requirements to receive Medicare reimbursement.

Duration: 1 year

Cost: \$200

Hospice (Residential)

Hospice facilities must be licensed and comply with state requirements and may be certified and comply with federal requirements. Hospice services must be certified and comply with federal requirements to receive Medicare reimbursement.

Duration: 1 year

Cost: \$200

Hospitals

General and specialized hospitals must be licensed and comply with state requirements, and must be certified and comply with federal requirements to receive Medicare and Medicaid reimbursement. Critical access hospitals must be licensed and comply with state requirements and must be certified and comply with federal requirements to receive Medicare and Medicaid reimbursement.

Duration: 1 year

Cost: \$1,000 to \$5,000 (depending on number of beds)

Hospital Swing Bed Units

Hospital swing beds must be licensed and comply with state requirements, and must be certified and comply with federal requirements to receive Medicare and Medicaid reimbursement.

Duration: None

Cost: None

Inpatient Chemical Dependency Treatment Facilities

Chemical dependency inpatient treatment facilities must be licensed and comply with state requirements. Contact also Department of Human Service for inpatient and outpatient treatment facilities.

Duration: 1 year

Cost: \$150 to \$450 (depending on number of beds)

Intermediate Care Facility for Individuals with Intellectual Disabilities

Intermediate care facilities for individuals with intellectual disabilities (ICF/IID) must be certified and comply with federal requirements.

Duration: None

Cost: None

Lodging

Any hotel, motel or other structure held out to the public to be places where sleeping accommodations are furnished to two or more transient guests must first obtain a lodging license. Plan review and approval required.

Duration: 1 year

Cost: \$2.25 per unit (\$45 minimum) plus \$100 Initial plan review cost

Mammography Facilities

Mammography facilities must be licensed and comply with state requirements and must be MQSA qualified or certified by a qualified state certifying body or a certifying body approved by the FDA, and comply with federal requirements to receive Medicare reimbursements. Reference X-ray Equipment.

Duration: None

Cost: \$100 to \$300 (depending on the number of systems)

Nurse Aide Registry

Nursing home nurse aides must complete training and competency evaluation and be registered with the Board of Nursing.

Duration: 2 years

Cost: None

Nursing Homes

Nursing homes must be licensed and comply with state requirements and may be certified and comply with federal requirements. There is a moratorium in place that prohibits development of new nursing home beds.

Duration: 1 year

Cost: \$600 to \$1,500 (depending on the number of beds)

Physical Therapy

Outpatient physical therapy and certified outpatient rehabilitation facilities must be certified and comply with federal requirements to receive Medicare reimbursement.

Duration: None

Cost: None

Residential Living Center

Residential living centers must register with the department.

Duration: 1 year

Cost: None

Rural Health Clinic

Rural health clinics must be certified and comply with federal requirements to receive Medicare reimbursement. For certification as a federally qualified health clinic, contact the Office of Rural Health at 773-3361.

Duration: None

Cost: None

Specialty Resort

Any building or buildings used to provide accommodations of recreation for a charge to the public. There may be no more than 10 rental units for an average of 20 guests per night and in which meals are provided to only the guests staying at the specialty resort. Plan review and approval required.

Duration: 1 year

Cost: \$70 plus \$100 Initial plan review cost

Speech Therapy

Outpatient speech therapy must be certified and comply with federal requirements to receive Medicare reimbursement.

Duration: None

Cost: None

X-Ray Equipment

X-ray tubes, either fixed or portable and used for medical purposes, must be licensed and comply with state requirements and must be certified and comply with federal requirements to receive Medicare reimbursement.

Duration: 1 year

Cost: \$100 to \$300 (depending on the number of systems)

South Dakota Department of Labor & Regulation Banking Division

1601 N. Harrison, Suite 1

Pierre, SD 57501-2376

Phone: (605) 773-3421

Web: <http://dlr.sd.gov/banking/default.aspx>
banking@state.sd.us

Mortgage Broker License

Required for any person engaged in placing mortgage loans with investors for a fee, but does not service such loans. Under the requirements of the Federal SAFE Act and SDCL Chapter 54-14, Mortgage Loan Originators must work under the supervision of a licensed mortgage lender or mortgage brokerage. The application for a company license for those meeting the definition of a mortgage brokerage is available through the Nationwide Mortgage Licensing System (NMLS). State and national banks, bank holding companies, other federally insured financial institutions, and the subsidiaries of those institutions are exempt from licensure. In addition, SD chartered trust companies are also exempt from licensure. Any individual or corporation holding this license is required to pay the bank franchise tax.

Duration: 1 year

Cost: Application \$500, Renewal \$350

Additional processing fees will be charged by NMLS

Mortgage Lender License

Required for any person who, for valuable consideration, originates, sells, or services mortgages, or holds himself, herself, or itself out as a person who, for valuable consideration, originates, sells or services mortgages. Any person or entity meeting this definition must apply for licensure as a mortgage lender using the National Mortgage Licensing System (NMLS). For more information about the NMLS, take a look at the NMLS Resource Center website at <http://mortgage.nationwidelicencingsystem.org/Pages/default.aspx>. Any company who, for valuable consideration, originates, sells, or services ONLY nonresidential mortgage loans must hold a Nonresidential Mortgage Lender License but is exempt from using the NMLS and other provisions of SDCL 54-14. State and national banks, bank holding companies, other federally insured financial institutions, and the subsidiaries of those institutions are exempt from licensure. In addition, SD chartered trust companies are also exempt from licensure. Any individual or corporation holding this license is required to pay the bank franchise tax.

Duration: 1 year

Cost: Application \$750, Renewal \$500 (Additional processing fees will be charged by NMLS)

Exempt Mortgage Company Registration

This registration is optional and may be held by any company which is exempt from licensure under South Dakota Codified Law (SDCL) 54-14-21 but employs individuals required to hold a Mortgage Loan Originator License under SDCL 54-14-13. Companies registering through the Nationwide Mortgage Licensing System & Registry (NMLSR) with the South Dakota Division of Banking must agree to abide by NMLS requirements, including attesting to the accuracy of the information submitted, agreeing to keep it updated through NMLS, and annually renewing the registration through the NMLS Streamlined Renewal Process.

Duration: 1 year

Cost: Registration \$100

Mortgage Loan Originator

Required for any mortgage lender and brokerage licensees who are allowed to use the services of a mortgage loan originator (MLO) that operates under the direct control and supervision of the licensee. All MLOs under a licensee's supervision will need to be separately and individually licensed. They will need to apply for licensure using the NMLS. To determine if your employees need to be licensed you will need to determine if they meet the statutory definition of a mortgage loan originator. Lenders and brokerages are responsible for verifying that a mortgage loan originator is licensed or registered with the State of South Dakota before using their services. Loan processors or loan underwriters working as W-2 employees of a licensed mortgage lender or mortgage brokerage are exempt from licensing as a mortgage loan originator. Real estate brokers licensed in South Dakota and performing only real estate brokering activities, but are not being paid by a lender, mortgage broker, or a mortgage loan originator are also exempt from licensure as a mortgage loan originator.

Duration: 1 year

Cost: Application \$150, Renewal \$75

Additional processing fees will be charged by NMLS

Money Lending License

Required for individuals or corporations to engage in the business of lending money, including originating, selling, servicing, acquiring, or purchasing loans, or servicing, acquiring, or purchasing retail installment contracts. Applying for a money lending license requires filing a surety bond form. State and national banks, bank holding companies, other federally insured financial institutions, and the subsidiaries of those institutions are exempt from licensure. In addition, SD chartered trust companies are exempt from licensure. Any individual or corporation holding this license is required to pay the bank franchise tax.

Duration: 1 year

Cost: Application \$1000, Renewal \$800

Money Transmitter License

Required for individuals or corporations to engage in the sale or issuance of payment instruments or stored value or of receiving money or monetary value for transmission to a location within or outside the United States by any means, including wire, facsimile, or electronic transfer. A licensee may conduct business in South Dakota at one or more locations, or through one or more authorized delegates, or both, under a single license. Applying for a money transmitter license requires filing a surety bond form or providing a security device. South Dakota Statutes exempts certain entities from the licensing requirements including authorized delegates of a licensee who have a contract with a licensee, the U.S. government, the U.S. Postal Service, the state or any political subdivision, banks, credit unions, savings associations and bank holding companies.

Duration: 1 year

Cost: Initial Application Fee \$500 (nonrefundable), Renewal \$800
License Fee - \$1000

Banks: State-Chartered Banks or Branch Banks: \$7,500

State-Chartered Trust Companies: \$5,000 (nonrefundable)

Loan Production Offices: \$1,000 (applicant must be a state-chartered bank)

Mobile Branch Bank: \$1,000

All of the above listed businesses are regulated by the Division of Banking and must meet regulations established by law.

Duration: For new banks, the duration is 20 years. Effective July 1, 2011, the duration for new trust companies will be perpetual.

South Dakota Department of Labor & Regulation Insurance Division

124 S. Euclid Avenue, 2nd Floor

Pierre, SD 57501-3185

Phone: (605) 773-3563

Web: <http://dlr.sd.gov/insurance/default.aspx>
insurance@state.sd.us

Resident Producer License

Required for anyone selling insurance; requirements must be met.

Duration: 2 years

Cost: Application \$25

Renewal \$20

Appointment fee per company \$10

Non-Resident Producer License

Required for non-resident insurance producers selling in South Dakota lines of insurance held in home state.

Duration: 2 year

Cost: Application \$30

Renewal Retaliatory with \$50 minimum

Appointment fee per company \$20

Resident & Non-Resident Surplus Lines Broker

Issued to resident and non-resident producers licensed to sell property/casualty insurance; enables producer to sell through non-admitted companies; bonding required for resident producers only.

Duration: 2 year

Cost: Non-Resident Application \$50

Renewal \$100

Corporation or Partnership License

Issued to a corporation or partnership based on lines of insurance held by all their producers.

Duration: None

Cost: Resident license fee \$25
Non-resident license fee \$30

Appointment fees: \$20 for non-resident
\$10 for resident

Certificate of Authority

Issued to an insurance company that has applied and qualified to transact insurance business in South Dakota.

Duration: 1 year

Cost: Application \$500
Renewal \$25

Managed Care Contractor

Issued to a person who establishes, operates, or maintains a network of participating providers; or contracts with an insurance company, a hospital or medical service plan, an employer, an employee organization, or any other entity providing coverage for health care services to operate a managed care plan or health carrier.

Duration: 1 year

Cost: Application \$250
Renewal \$250

Utilization Review Organization

Issued to an entity that conducts utilization review other than a health carrier performing utilization review for its own health benefit plans.

Duration: 1 year

Cost: Application \$250
Renewal \$250

Third Party Administrator

Issued to a person who directly or indirectly solicits or effects coverage of, underwrites, collects charges or premiums from, or adjusts or settles claims on residents of this state, or residents of another state from offices in this state, in connection with workers' compensation, life or health insurance coverage or annuities

Duration: 1 year

Cost: Application \$500
Renewal \$250

Pharmacy Benefits Manager

Issued to an entity that performs pharmacy benefits management

Duration: 1 year

Cost: Application \$500
Renewal \$250

Discount Medical Plan Organizations

Issued to an entity that, in exchange for fees, dues, charges, or other consideration, provides access for discount medical plan members to providers of medical or ancillary services and the right to receive medical or specialty services from those providers at a discount. It is the organization that contracts with providers, provider networks, or other discount medical plan organizations to offer access to medical or specialty services at a discount and determines the charge to discount medical plan members.

Duration: 1 year

Cost: None

Independent Review Organizations

Issued to an entity that conducts independent external reviews of adverse determinations and final adverse determinations

Duration: 2 year

Cost: None

South Dakota Department of Labor & Regulation Securities Division

124 S. Euclid Avenue, Suite 104

Pierre, SD 57501-3185

Phone: (605) 773-4823

Web: <http://dlr.sd.gov/securities/default.aspx>

Registration of Securities

Required to offer and sell public securities in South Dakota pursuant to SDCL 47-31B- 303 and 304.

Duration: 1 year

Cost: \$1.00 per \$1,000 registered up to \$500,000
\$500 plus \$0.75 per \$1,000 after \$500,000
\$100 minimum \$2,000 Maximum filing fee
\$100 Extension of registration
\$25 Annual report filing fee

Broker/Dealer License

Required for firms selling securities in South Dakota. Exemptions may be available.

Duration: 1 year

Cost: \$150

Securities Agent License

Required for salespersons working for broker/dealers.

Duration: 1 year

Cost: \$125

Investment Advisor License (Firm)

Required for firms that advise consumers regarding the purchase and sale of securities for remuneration.

Duration: 1 year

Cost: \$100

Investment Advisor Representative License (Representatives)

Required for salespersons working for investment advisers.

Duration: 1 year

Cost: \$50 – Federal Covered and State Registered Agents

Notification Investment Advisor License

Required for firms that meet the federal notice filing requirements.

Duration: 1 year

Cost: \$200 - Federal Covered Investment Advisors

Notification Filing

Exemption for certain qualified, public, open-end and closed-end mutual funds and unit investment trusts.

Duration: 1 year

Cost: \$150 - Unit Investment Trusts (U.I.T.s)
\$1,000 & \$2,000 – Open End Mutual Funds
\$50 - Name Change
\$250 - Closed End Mutual Funds

Private Placement Exemption

Exemption allowing offers and sales of securities to a limited number of people in South Dakota for non-publicly offered securities.

Duration: 1 year

Cost: \$200 – 504 & 505 Reg D, Intrastate Limited Offerings, Model Accredited Investor Offerings, and Church Extension Fund Offerings
\$250 – 506 Reg D Offerings
\$200 – Reg A Tier II

Registration of Brand-Name Franchises

Registration required before anyone can offer or sell a franchise.

Duration: 1 year

Cost: Initial Filing - \$250 Renewal - \$150

Registration of Business Opportunities

Registration required before anyone can offer or sell a business opportunity.

Duration: 1 year

Cost: Application - \$100 Renewal - \$50

South Dakota Department of Labor & Regulation Unemployment Insurance Division

PO Box 4730

420 South Roosevelt

Aberdeen, SD 57402-4730

Phone: (605) 626-2312

Web: <http://www.dlr.sd.gov/ui/default.aspx>

Unemployment Insurance Tax - Employer Registration

All new and acquired businesses in South Dakota are required to register with the Unemployment Insurance (UI) Tax Unit. Registration is also required for an existing account if the entity or ownership of the business has changed (i.e., from a sole proprietorship to a partnership or a partnership to a corporation, etc.). To register, you must complete a registration form, Form 1, Employer's Report to Determine Liability. If you are a 501 C (3) organization, complete Form 1NP. If you are a political subdivision, complete Form 1PS.

Duration: None

Cost: None

You have several options for registering:

- You may complete the registration process online using the Unemployment Insurance Employer Registration website.
- You may download the appropriate form at Unemployment Insurance Tax Forms.
- You may obtain the forms by calling the Unemployment Tax Division at 605.626.2312.

To submit your completed form by mail, address it to:

Unemployment Insurance Division - Tax Unit

South Dakota Department of Labor and Regulation

P.O. Box 4730

Aberdeen, SD 57402-4730

Or fax it to: 605.626.3347

*It is important that you complete all information on the registration form. Incomplete registrations will be returned. This will delay processing time and may cause your taxes to become delinquent.

Posting Requirements (State and Federal)

All links to posters available here: <http://dlr.sd.gov/employerserv/postingrequirements.aspx>

State Posting Requirements

South Dakota law requires two workplace postings:

- Unemployment posting
- Safety on the Job posting - Workers' compensation law requires employers to post information encouraging safety. There is no required format for this poster.

Federal Posting Requirements

Various federal agencies (such as the U.S. Department of Labor, the Occupational Safety and Health Administration (OSHA) and the Equal Employment Opportunity Commission (EEOC)) require workplace postings. You may comply with these requirements by using:

- Employee Polygraph Protection Act of 1988
- Fair Labor Standards Act (federal minimum wage)
- Equal Employment Opportunity is the Law
- Job Safety and Health Protection (OSHA)
- Family and Medical Leave Act (FMLA)
- Uniformed Services Employment and Re-employment Rights Act (USERRA)

To receive a labor law compliance poster which addresses all of these federal posting requirements (sometimes referred to as a "six in one poster") at no charge, contact your [local South Dakota Department of Labor and Regulation office](#).

Note: South Dakota State Minimum Wage is higher than federal minimum wage [[English](#)] [[Spanish](#)]

The U.S. Department of Labor also has several posters for special situations. Check out their [poster information](#).

South Dakota Department of Public Safety

118 West Capitol

Pierre, South Dakota 57501

Phone: 605-773-3178

Web: <http://dps.sd.gov/>

Commercial Driving License (CDL)

A CDL is required to operate any of the following commercial motor vehicles:

- A single vehicle with a gross vehicle weight rating (GVWR) of more than 26,000 pounds
- A trailer with a GVWR of more than 10,000 pounds if the gross combination weight rating is more than 26,000 pounds
- A vehicle designed to transport 16 or more persons (including driver)
- Any size vehicle which requires hazardous materials placards

Duration: 5 years

Cost: \$33 + \$15 for each endorsement.

In addition, a fee up to \$90 + tax may be charged for a CDL Skill Test. The cost of a required background check for a CDL with a hazardous materials endorsement is \$86.50.

Explosives License or Permit

Required in addition to federal license or permit for all users, dealers, transporters, and manufacturers of explosives.

Duration: 2 years

Cost: None

Fireworks Retail License

Required to sell fireworks to residents and non-residents of South Dakota; limited time period.

Duration: June 27 to July 5 **OR** December 28-January 1

Cost: \$25

Fireworks Wholesale License

Required to sell fireworks to South Dakota retailers.

Duration: 1 year

Cost: \$500

Special Fireworks Retail License

Required to sell fireworks to out-of-state residents for a limited time period.

Duration: May 1 to July 5

Cost: \$1,000

Optional Fireworks Retail License

Required to sell fireworks to out-of-state residents for a limited time period. This License also allows for retail sale to both in-state and out-of-state residents.

Duration: July 6 through August 31

Cost: \$1,000

Boiler Certificate Permit

Required to operate a boiler.

Duration: 1 year from date of inspection (Steamboilers > 15 psi), 2 years from date of inspection (all other boilers – exception historic boilers), 3 years from date of inspection (historic boilers).

Cost: \$20 per year from date of inspection plus \$10 to \$60 depending on size

Firesafe Cigarette Registration Program

Cigarette manufacturers must pay a registration fee for each brand family of cigarette sold in South Dakota.

Duration: 3 years

Cost: \$1,500

Trip Permit

A fee paid in lieu of commercial license for miles traveled on South Dakota highways when loaded with 500 pounds or more.

Duration: Duration of trip

Cost: \$15

Excess Weight & Size Permits

Any motor carrier that exceeds the legal weight and/or size limits set by the state of South Dakota must receive special permits. The permit process is administered by the South Dakota Highway Patrol pursuant to administrative rules adopted by the Transportation Commission.

To obtain a permit contact one of the following:

- Sisseton Port** (605) 698-3925
- Toll free** 1-800-637-3255 (staffed daily, 24 hours per day)
- Highway Patrol** (605) 773-4578

Permits may also be obtained via the internet through the Automated Permit Process available at <http://www.sdtruckinfo.com/sizeandweight.aspx>.

Duration: Varies

Cost: Varies

A Motor Carrier Handbook listing the permits and rules is available from:

Department of Transportation	Highway Patrol
700 East Broadway	118 West Capitol
Pierre, SD 57501-2586	Pierre, SD 57501-2586
Phone: (605) 773-3571	Phone: (605) 773-4578

The motor carrier handbook is also available for viewing or downloading via the internet at <http://www.sdtruckinfo.com/handbook.aspx>.

Temporary Fuel Permit

A fee paid for the importation of diesel or propane vehicle fuel. Law now stipulates that no person may bring in any amount of special fuel into the state to be used in operation of a qualified motor vehicle.

Duration: Valid as long as vehicle remains in the state.

Cost: \$20

Harvest Permit

A permit available to residents and non-residents alike to haul agricultural products; from point of harvest to first unloading.

Duration: 1 year

Cost: \$75

Thirty-Day Permit

A permit good for 30 calendar days in lieu of commercial license.

Duration: 30 days tonnage on permit.

Cost: Varies depending on declared weight

Weights & Measures Service Agency Registration

Companies who install, service, upgrade, repair, or recondition weighing or measuring devices in South Dakota must register

Duration: 1 year (expires December 31)

Cost: \$69 (company) + \$10 for each service technician registered.

Service agencies are required to submit calibration reports on all equipment used for servicing weighing and measuring devices in the State of South Dakota.

South Dakota Department of Revenue

Anderson Building

445 East Capitol Ave.

Pierre, SD 57501-3185

Phone: (605) 773-3311

Web: <http://dor.sd.gov/>

Business Tax Division

Contractor Excise License

Any person entering into a contract for construction services must have a South Dakota contractors' excise tax license. Construction services include the construction, building, installation, and remodeling of real property.

Duration: Continuous until cancelled

Cost: None

Sales, Use and Service Tax License

Any retailer engaged in selling, renting, or leasing tangible personal property or products delivered electronically or selling services in South Dakota is required to have a sales tax license. Sales tax applies to retailers' gross receipts from all sales of tangible personal property, products delivered electronically, and services not specifically exempted.

Use tax is due when an applicable sales tax is not charged. Use tax is the same rate as sales tax and is reported and paid on the sales tax return form.

Duration: Continuous until cancelled

Cost: None

SD Commission on Gaming

Deadwood Gaming

Licensing and regulation of Deadwood gambling; Five types of gaming licenses are issued by the Commission including licenses for manufacturers, distributors, operators, individual employees, owners of gaming establishments.

Duration: 1 year

Cost: Application \$50 to \$1,000
Thereafter \$25 to \$250

Live Racing and Simulcast Racing

The commission issues licenses for simulcast providers, simulcast sites, pari-mutual clerks (who work at simulcast sites) and multiple category live racing.

Duration: 1 year

Cost: Varies from \$0 to \$50 depending on the type of license

SD Lottery

Scratch Ticket and Lotto Retailers

All Lottery ticket retailers licensed after July 4, 2010 are required to sell both the instant (scratch) tickets and the online lotto tickets with the exception of retailers on Indian Reservations who are prohibited from selling the online games.

Cost: \$1,200 for an instant ticket or instant and lotto ticket license. All new licensees are required to pay an annual renewal fee of \$150 which is waived in the first year.

Additional Fees: Retailers will be charged \$12.93 per week for communication costs. As an incentive, retailers selling \$5,000 or more in instant tickets in a quarter will be credited 13 weeks of communication costs at the end of that quarter. New retailers who are part of a chain in which the chain's per store average is \$6,000 in instant ticket sales for a quarter will be credited the communication costs for that quarter. A chain store is defined as two or more stores under the same ownership or entity.

Video Lottery

There are four types of video lottery licenses: operators, establishments, manufacturers, and distributors. State law requires a video lottery establishment to be a bar or lounge. Various fees apply depending on the type of license issued.

Cost:

- \$50 application fee for establishments with a \$100 annual renewal fee collected in the quarter the license is originally issued.
- \$50 application fee for operators with a \$100 per machine or \$1,000 (whichever is greater) annual renewal fee per fiscal year.
- \$50 application fee for a machine distributor's license, a \$5,000 licensing fee for the first year and annual renewal fee of \$5,000 each fiscal year.
- \$50 application fee with a \$500 fee for manufacturers that is applied towards licensing expenses, if the \$500 isn't used, the remaining amount is refunded. There is a licensing fee of \$20,000 the first year and renewal fee for manufacturers of \$20,000 each fiscal year.

Motor Vehicle/Motor Fuel Division

New or New & Used Motor Vehicle Dealer License

Any person who for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new, or new and used vehicles, or who is engaged wholly or in part in the business of selling new, or new and used vehicles. Bond required. (Note: A vehicle dealer license allows the licensee to sell a broad range of vehicles. In addition to being able to sell vehicles, they are also able to sell motorcycles and trailers without specifically acquiring those licenses.)

Duration: 5 years

Cost: \$300 initial license
\$175 annual renewal fee

New or New & Used Motorcycle Dealer License

Any person who for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new, or new and used motorcycles, or who is engaged wholly or in part in the business of selling new, or new and used motorcycles. Bond required.

Duration: 5 years

Cost: \$250 initial license
\$150 annual renewal fee

Trailer Dealer License

Any person who for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new, or new and used trailers, semi-trailers or travel trailers or who is engaged in the business of selling new, or new and used trailers, semi or travel trailers whether or not such vehicles are owned by such person.

Duration: 5 years

Cost: \$125 initial license
\$100 annual renewal fee

Mobile/Manufactured Home Dealer

Any person, other than a manufacturer of a mobile home or a manufactured home, for a commission or with the intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale, or makes an exchange of a mobile or manufactured home or who is engaged in the business of selling mobile or manufactured homes. Bond required.

Duration: 5 years

Cost: \$300 initial license
\$150 annual renewal fee

Snowmobile Dealer License

Any person who, for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new or used snowmobiles, or who is engaged wholly or in part in the business of selling new or used snowmobiles. Bond required.

Duration: 5 years

Cost: \$150 initial license
\$125 annual renewal fee

Boat Dealer License

Any person who, for commission or with intent to make a profit or gain, sells, exchanges, rents, or leases with option to purchase, offers or attempts to negotiate a sale or exchange of new, or new and used boats, or who is engaged wholly or in part in the business of selling new, or new and used boats. Bond required. (Note: A boat dealer license allows the licensee to sell boat trailers without acquiring a separate trailer license.)

Duration: 5 years

Cost: \$250 initial license
\$175 annual renewal fee

Emergency Vehicle Dealer License

Any person who converts or manufacturers authorized emergency vehicles and who for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale or exchange of new or new and used authorized emergency vehicles or who is engaged wholly or in part in the business of selling new or used authorized emergency vehicles. Bond required.

Duration: 5 years

Cost: \$300 initial license
\$175 annual renewal fee

Final Stage Manufacturer Dealer License

Any person who assembles or installs on a previously assembled new motor vehicle chassis cab, any special body or equipment that forms an integral part of the motor vehicle, constitutes a major manufacturing alteration, and completes the vehicles. Bond required.

Duration: 5 years

Cost: \$300 initial license
\$175 annual renewal fee

Supplier License

A supplier, whether a person, partnership or corporation, that owns motor fuel or special fuel in the pipeline immediately before it is withdrawn at the terminal rack.

Duration: Permanent

Cost: None

Out-of-state Supplier License

Any person, partnership or corporation that owns motor fuel or special fuel in the pipeline immediately before it is withdrawn and operating from a terminal located outside of South Dakota may voluntarily become licensed as an out-of-state supplier.

Duration: Permanent

Cost: None

Exporter License

An exporter is a person, partnership or corporation, other than a supplier, that purchases or acquires fuel in South Dakota that is then transported or delivered to another state or country.

Duration: Permanent

Cost: None

Importer License

An importer is any person, partnership or corporation, other than a supplier, that owns or purchases motor fuel or special fuel in another state or country that is then delivered into South Dakota.

Duration: Permanent

Cost: None

Blender License

A blender, whether a person, partnership or corporation, that makes blended fuel containing two or more substances, at least one of which is a petroleum product.

Duration: Permanent

Cost: None

Marketer License

A marketer, whether a person, partnership or corporation, that engages in the wholesale or retail sale of motor fuel or special fuel. (All those previously licensed as fuel distributors and retail dealers now fall into this category.)

Duration: Permanent

Cost: None

LNG Vendor License

A person engaged in the business of selling liquid natural gas for use in the engine fuel supply tanks of motor vehicles.

Duration: Permanent

Cost: None

LPG Vendor License

An LPG vendor, whether a person, partnership or corporation, that sells or has the capability to sell liquid petroleum gas for use in the engine supply tank of a motor vehicle.

Duration: Permanent

Cost: None

CNG Vendor License

A CNG vendor, whether a person, partnership or corporation, that sells compressed natural gas for use in the engine supply tank of a motor vehicle.

Duration: Permanent

Cost: None

Ethanol Producer License

An ethanol producer, whether a person, partnership or corporation, that makes ethyl alcohol from cereal grain which is later combined with gasoline to produce an ethanol blend.

Duration: Permanent

Cost: None

Ethanol Broker License

An ethanol broker, whether a person, partnership or corporation, who engages in business of marketing ethyl alcohol produced by ethanol producers located in South Dakota.

Duration: Permanent

Cost: None

Transporter License

A transporter, whether a person, partnership or corporation, that moves fuel within South Dakota or to areas outside this state by transport truck, rail car or other means in quantities over 4,200 gallons.

Duration: Permanent

Cost: None

Terminal Operator License

A terminal operator, whether a person, partnership or corporation, that has responsibility and physical control over the operation of a terminal.

Duration: Permanent

Cost: None

Bulk Plant Operator License

A bulk plant operator, whether a person, partnership or corporation, that has responsibility and physical control over the operation of a bulk plant.

Duration: Permanent

Cost: None

LPG User License

An LPG user in South Dakota who wishes to purchase tax-unpaid LPG in bulk and have it delivered into a storage tank which has an attached liquid transfer line must be licensed.

Duration: Permanent

Cost: None

Highway Contractor License

A highway contractor, whether a person, partnership or corporation, that engages in highway construction work. A highway contractor must also have a contractor's excise tax license.

Duration: Permanent

Cost: None

Biodiesel Producer License

A biodiesel producer is any person who is engaged in the production of biodiesel from vegetable oils or animal fats.

Duration: Permanent

Cost: None

Methanol Producer License

Methanol producer is any person who engages in the business of producing methyl alcohol, typically derived from wood products, for sale, use or distribution.

Duration: Permanent

Cost: None

International Fuel Tax Agreement (IFTA)

The International Fuel Tax Agreement (IFTA) is a plan to simplify the reporting of all fuel (gasoline, diesel, propane and gasohol) use taxes by commercial motor carriers.

Duration: 1 year (2 month grace period)

Cost: \$10.00 annual license fee plus \$1.50 per vehicle

International Registration Plan (IRP)

The International Registration Plan is a plan to simplify the licensing of vehicles involved in interstate commercial movement.

Duration: 1 year

Cost: Varies depending on a number of different factors, some of which include the year of the vehicle and the combined gross licensing weight.

Temporary Commercial Permit

A temporary permit which is issued in 30 day increments up to 1 year that allows a vehicle to operate commercially in South Dakota

Duration: 30 days up to 1 year

Cost: Varies based on the combined gross licensing weight

Motor Vehicle Dealer Temporary Permits

<u>Type of Permit Requested:</u>		<u>Issue Period</u>	<u>Fee</u>
Motor Vehicle Manufacturer (All vehicles except trailers)	Display Only	3-10 Days	\$250 if purchased prior to the event; \$500 if purchased at or after the event
Motor Vehicle Customizer (All vehicles except trailers)	Display Only	3-10 Days	\$250 if purchased prior to the event; \$500 if purchased at or after the event
Trailer Manufacturer	Display Only	3-10 Days	\$250 if purchased prior to the event; \$500 if purchased at or after the event
Motorcycle Dealer (New)*	Sell	3-10 Days	\$250 if purchased prior to the event; \$500 if purchased at or after the event
<i>*(permit can only be sold if motorcycles being sold are not franchised in South Dakota)</i>			

Motor Vehicle Dealer Temporary Permits Continued

<u>Type of Permit Requested:</u>		<u>Issue Period</u>	<u>Fee</u>
Motorcycle Dealer Selling USED motorcycles only	Sell	3-10 Days	\$250 if purchased prior to the event; \$500 if purchased at or after the event
Boat and Boat Trailer Dealer (New or Used)	Sell	2-10 Days	\$200, only available if three or more boat dealers are in attendance at the event
Trailer Dealer (New)*	Sell	3-10 Days	\$250 if purchased prior to the event; \$500 if purchased at or after the event
<i>*(permit can only be sold if motorcycles being sold are not franchised in South Dakota)</i>			
Trailer Dealer (New)**	Display Only	3-10 Days	\$225; \$150 if purchased 5 days before event
<i>** (Allows for the DISPLAY ONLY of a new trailer(s) already franchised in South Dakota)</i>			
Trailer Dealer Selling USED trailers only	Sell	3-10 Days	\$250 if purchased prior to the event; \$500 if purchased at or after the event

Special Taxes Division

Amusement Machine Registration

Any and all mechanical or electronic amusement devices offered to the public for use must be licensed. This registration fee is in lieu of city sales tax.

Duration: Renewable each fiscal year

Cost: \$12 per machine

Temporary licenses cost \$3.00 per Machine (for government sponsored fairs).

Beer License*

Any person(s) or business that handles malt beverage beer as a brewer or wholesaler or sells malt beverage beer to be consumed on or off the premises must be licensed.

Duration: Renewable each fiscal year

Cost: \$300 for on – off sale retail

\$200 for package retail

\$500 for brew pub type

\$400 for wholesaler

\$150 for transfers

Beer/South Dakota Wine License*

This license allows for either off-sale malt beverage and off-sale South Dakota wines or on-off sale malt beverage and on-off sale South Dakota wines.

Duration: Renewable each fiscal year

Cost: \$225.00 for off sale

\$325.00 for on-off sale

Liquor License*

Any person(s) or business engaged as a carrier, dispenser, distiller, solicitor, transporter, wholesaler, packager, or retailer of liquor must be licensed.

Duration: Renewable each year

Cost: For a first class city, initial license cost is at least \$1.00 per person residing in that municipality. Renewal \$1,500

For other than first class city, initial, and renewal:

\$900 - \$1,200 - on sale

\$300 - \$400 –package off sale

\$500 per season for Hunting Preserve liquor license

Restaurant only liquor license with fee set by local governing body

\$25 for solicitor and transporter

\$100 for carrier

\$5,000 for wholesaler

\$4,000 for distiller

\$10 for dispenser (pharmacies, hospital, labs)

\$150 transfer costs

Farm Winery *

This license allows the licensee to produce table wine, sparkling or sacramental wine. Licensee would be able to produce and sell their own wine; to sell any other brands they would have to have liquor, beer or wine licenses. The farm winery licensee must use South Dakota grown products for a majority of the ingredients in its wine unless they request permission from the Department of Revenue to use products from outside the state.

Duration: Renewable each fiscal year

Cost: \$100

Package Wine License *

This license can be applied for by Farm Winery licensees only. It allows the Farm Winery to sell other brands of wine for consumers to take off the premises.

Duration: Renewable each calendar year

Cost: \$150

Wine, On and Off-Sale Retail *

This license allows both on and off-sale retail sales of all types of wine.

Duration: Renewable each calendar year

Cost: \$500

***Note:** A license is required for **any alcohol sale**. Please contact your local authorities **and** our office for more information on requirements.

Severing Energy Minerals or Precious Metals

No license is required by the Department of Revenue, however there is a tax due quarterly on the products severed (most typical are oil, gas, gold, silver).

Coin Operated Washer & Dryer License

Operators of coin operated laundromats and any coin operated washer or dryer whether in laundromat, an apartment house or other location, must have this license in lieu of the sales or use tax provisions.

Duration: Renewable each calendar year

Cost: \$16 to \$20

Tobacco Distributor License

Any person or entity that buys at least 75 percent of their cigarettes directly from the manufacturer must have this license. (Retailers who sell directly to consumers do not need this license.)

Duration: Renewable each fiscal year

Cost: \$150 annually
\$75 semiannually

Tobacco Wholesaler License

Any person who buys cigarettes already stamped from a tobacco distributor must have this license. (Retailers who sell directly to consumers do not need this license.)

Duration: Renewable each fiscal year

Cost: \$150

Cigarette Manufacturer/Distributor License

Any person who maintains or provides a roll-your-own cigarette machine at any retail establishment must have this license.

Duration: Renewable each fiscal year

Cost: \$150

Distributors of Bingo or Lottery Supplies & Equipment

Any person who wishes to sell or otherwise furnish bingo or lottery supplies and equipment must be licensed as a distributor and may only buy from a licensed manufacturer.

Duration: Renewable each calendar year

Cost: \$5,000

Manufacturer of Bingo or Lottery Supplies & Equipment

Manufacturers of bingo or lottery equipment and supplies must be licensed to do business in South Dakota and may only sell to licensed distributors.

Duration: Renewable each calendar year

Cost: \$2,500

South Dakota Department of Social Services

700 Governors Drive

Pierre, SD 57501

Phone: (605) 773-3165

Web: <http://dss.sd.gov/licensingboards/>

Licensing Boards

The purpose of the boards is to protect the public through the development and establishment of generally accepted standards of professionalism and competence to be used in the protection of consumers using these services in South Dakota.

Board of Addiction and Prevention Professionals

Tina Nelson, Administrative Officer

3101 W. 41st St. Suite 205

Sioux Falls, SD 57105

Phone: (605) 332-2645

Fax: (605) 332-6778

Email: bapp@midconetwork.com

Counselors and Marriage and Family Therapist Examiners

Joyce Vos, Executive Secretary

P.O. Box 2164

Sioux Falls, SD 57101

Phone: (605) 331-2927

Fax: (605) 331-2043

Email: sdbce.msp@midconetwork.com

Psychologist Examiners

Carol Tellinghuisen, Executive Secretary

810 N. Main St. Suite 298

Spearfish, SD 57783

Phone: (605) 642-1600

Fax: (605) 722-1006

Email: proflic@rushmore.com

Social Work Examiners

Carol Tellinghuisen, Executive Secretary

810 N. Main St. Suite 298

Spearfish, SD 57783

Phone: (605) 642-1600

Fax: (605) 722-1006

Email: proflic@rushmore.com

South Dakota Department of Transportation

Becker/Hanson Building

700 East Broadway

Pierre, SD 57501-2586

Phone: (605) 773-3265

Web: <http://www.sddot.com/>

Construction of New Facilities

Permits are required for the construction of new facilities that have an approach which accesses a state highway. The Region Engineers, who can be reached at the following locations, issue the approach permits:

Aberdeen Region.....(605) 626-2244

Mitchell Region.....(605) 995-8129

Pierre Region.....(605) 773-3464

Rapid City Region.....(605) 394-2244

If you don't know the region in which you are located, contact the office of operations in Pierre at (605) 773-3571.

Outdoor Business Signing

The South Dakota Department of Transportation requires permits to place business signing along state highways for billboards, LOGO signs, and TODS signs. All information, permit application, and process on outdoor advertising can be found at:

<http://www.sddot.com/services/advertising/Default.aspx>

- **Billboards:** To erect a billboard, you need to obtain an application for a permit from the SDDOT Region office nearest you. Contact information is available on the website and information on the Outdoor Advertising Law can be found under SDCL Chapter 31-29.
- **LOGO signs:** LOGO signs are the blue panels located near interchanges and intersections that display the brand, symbol, trademark, or name of the business. Eligible businesses can be found under Administrative Rule Chapter 70:40:02.
- **TODS signs** are the blue and white signs located at rural intersections on the state trunk highway system that give direction and identification to rural tourist-oriented businesses. Eligible businesses can be found under Administrative Rule Chapter 70:04:07.

Excess Weight & Size Permits

Any motor carrier that exceeds the legal weight and/or size limits set by the state of South Dakota must receive special permits. The permit process is administered by the South Dakota Highway Patrol pursuant to administrative rules adopted by the Transportation Commission. To obtain a permit contact one of the following:

Sisseton Port (605) 698-3925

Toll free 1-800-637-3255 (staffed daily, 24 hours per day)

Highway Patrol (605) 773-4578

Permits may also be obtained via the internet through the Automated Permit Process available at <http://www.sdtruckinfo.com/sizeandweight.aspx>.

A Motor Carrier Handbook listing the permits and rules is available from:

Department of Transportation

700 East Broadway
Pierre, SD 57501-2586
Phone: (605) 773-3571

Highway Patrol

118 West Capitol
Pierre, SD 57501-2586
Phone: (605) 773-4578

The motor carrier handbook is also available for viewing or downloading via the internet at <http://www.sdtruckinfo.com/handbook.aspx>.